

UNITED STATES OF AMERICA

IN THE CIRCUIT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

Barbara Weisserman,
Plaintiff,

Vs.

Case No.

Reginald C. Harris, an employee
of the United States Post Office,
and Ryder Truck Rental, a foreign
Corporation,
Defendants.

United States District Judge

Mag. Judge

The Sam Bernstein Law Firm
Attorneys for Plaintiff
By: Leonard E. Miller (P35114)
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(248) 538-5920

Collins Einhorn Farrell PC
Attorney for Defendant
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COMPLAINT AND JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

COMPLAINT AND JURY DEMAND

JURISDICTIONAL AVERMENTS

NOW COMES the Plaintiff, Barbara Weisserman, by and through her attorneys,
The Sam Bernstein Law Firm, by Leonard E. Miller, and for her causes of action against
the Defendant, Reginald C. Harris, Ryder Truck Rental and respectfully shows unto this
Honorable Court as follows:

JURISDICTIONAL AVERMENTS

1. That the Plaintiff, Barbara Weisserman, is a resident of the City of

Farmington Hills, County of Oakland, State of Michigan.

2. That the Defendant, Reginald C. Harris, is a resident of City of Detroit, County of Wayne, State of Michigan.

3. That at all times relevant Defendant, Reginal C. Harris was in the course and scope of his employment with the United States Post Office.

4. That Plaintiff's claims against Defendant Reginald C. Harris arise under the Federal Tort Claims Act and the exclusive jurisdiction of this Court.

5. That a form 95 has been filed with the United States Post office and no resolution has been made within six months of its filing.

6. That Defendant, Ryder Truck Rental, is a foreign corporation which conducts business in the County of Oakland and the State of Michigan and whose resident agent for the service of process is Corporate Creations Network, Inc. of 28175 Haggerty Road, Novi, Michigan 48377.

7. That all the acts, transactions and occurrences arose in the, County of Oakland, State of Michigan.

8. That both venue and jurisdiction are properly before this court.

9. That the amount in controversy in this litigation exceeds the sum of Seventy-Five Thousand (\$75,000.00) Dollars exclusive of costs, interest and attorney fees.

COUNT I

THIRD PARTY AUTO NEGLIGENCE, OWNERS LIABILITY, EMPLOYER'S LIABILITY/RESPONDEAT SUPERIOR

10. That Plaintiff, Barbara Weisserman, hereby adopts and incorporates by reference each and every allegation contained in paragraphs 1-6 of this Complaint as if more specifically set forth herein, word for word and paragraph by paragraph.

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11. That on April 27, 2020, your Plaintiff, Barbara Weisserman, was the driver of a Ford Flex motor vehicle bearing the Michigan 2020 license plate number 7LYD77, which motor vehicle was being operated in careful and prudent manner, in a westerly direction along and upon Thirteen Mile Road, at or near its intersection with Telegraph Road, in the County of Oakland, State of Michigan.

12. That at the aforementioned place and time, the Defendant, Reginald C. Harris, in the course and scope of his duties as a United States Post Office employee, was the operator of a 2018 Chrysler semi-tractor motor vehicle, Indiana 2020 license plate number 2795058, which motor vehicle said Defendant, Reginald C. Harris, was driving in a careless, reckless and negligent manner in a northerly direction along and upon Telegraph Road, at or near its intersection with Thirteen Mile Road, in the County of Oakland, when said Defendants' vehicle did fail to yield the right of way to Plaintiff at a traffic control device and did then collide with the motor vehicle being operated by your Plaintiff, Barbara Weisserman, causing her serious and permanent injuries as hereinafter alleged.

13. That it then and there became and was the duty of the Defendant, Reginald C. Harris, to drive said motor vehicle with due care and caution in accordance with the statutes of the State of Michigan and the rules of the common law applicable to the operation of motor vehicles, but that notwithstanding said duties, your Defendant, Reginald C. Harris, did breach and violate the same in one or more of the following particulars:

- (a) Driving said motor vehicle- on the highway at a speed greater than would permit him to bring it to a stop within the assured clear distance ahead, contrary to the provisions of MSA 9.2327;

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- (b) Driving at an excessive and unlawful speed;
- (c) Failing to drive said motor vehicle on the highway at a careful and prudent speed, not greater than was reasonable and proper, having due regard to the traffic, surface and width of the highway and other conditions then and there existing as required by MSA 9.2327;
- (d) Failing to keep proper or any lookout for traffic when Defendant knew or should have known that such failure would endanger the life and limb of other persons along and upon said highway;
- (e) Failing to obey a traffic signal to wit a red, yellow, green traffic control signal and to comply with said signal and yield the right of way to Plaintiff's vehicle which had the right of way.
- (f) In otherwise negligently failing to exert that degree of care, caution, diligence and prudence as would be demonstrated by a reasonably prudent person under the same or similar circumstances and in otherwise causing the injuries and damages to your Plaintiff as hereinafter alleged; and
- (g) In other manners as yet unknown to Plaintiff but which will become known during the course of discovery.

14. That Defendants, Ryder Truck Rental, is vicariously liable for the negligent acts and/or omissions of the Defendant, Reginald C. Harris, their, employee acting in the scope of his employment as stated herein and by virtue of the terms of the Michigan Owner's Liability Statute.

15. That as a direct and proximate result of the negligent acts and/or omissions on the part of the Defendant, Reginald C. Harris, your Plaintiff, Barbara Weisserman, was caused and will be caused in the future to suffer with severe, grievous and permanent personal injuries, disability, damages, serious impairments of important body functions and permanent, serious disfigurements, the full extent and character of which are currently unknown but, which will include but, are not necessarily limited to the following:

- (a) Fractured cervical vertebra;
- (b) Fractured lumbar vertebra;
- (c) Injury to her head, neck, back, jaw, spine, disks, upper and/or lower extremities;
- (d) Rupture of breast implant requiring surgical repair
- (e) Any and all other manners of internal and external injuries;
- (f) As yet undiscovered sequelae of the aforementioned physical injuries.

16. That as a direct and proximate cause of the negligent conduct of Defendant

Reginald C. Harris, your Plaintiff, Barbara Weisserman, has suffered damages

including but not limited to the following elements:

- (a) Fright, shock, pain, suffering, discomfort, disability, and extreme physical and emotional suffering;
- (b) Severe and continuing embarrassment, humiliation, anxiety, tension and mortification;
- (c) Loss of the natural enjoyments of life; and
- (d) Lost earnings in excess of the amounts and time periods covered under the Michigan's No-Fault Statutes;
- (e) Any other elements of damage which may become known during the course of this litigation and allowable under Michigan law.

17. That as a direct and proximate result of the negligence, and or gross negligence and unlawful conduct of Defendant Reginald C. Harris, your Plaintiff, Barbara Weisserman has been required to undergo various and certain medical and operative procedures and will be required to undergo like treatment in the future.

WHEREFORE, Plaintiff, Barbara Weisserman, prays that this Honorable Court award her damages against the Defendants, Reginald C. Harris and Ryder Truck Rental,

in whatever amount to which she is found to be entitled to receive, together with costs, interest and attorney fees.

THE SAM BERNSTEIN LAW FIRM

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Dated: April 6, 2021

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JURY DEMAND

NOW COMES the Plaintiff, Barbara Weisserman, by and through her attorneys,
The Sam Bernstein Law Firm, by Leonard E. Miller, and hereby respectfully requests a
trial by jury in the above-entitled cause of action.

THE SAM BERNSTEIN LAW FIRM

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